

PUBLIC HEALTH

**ALWAYS WORKING FOR A SAFER AND
HEALTHIER WASHINGTON**

Onsite Sewage System Rules WAC 246-272A

State Board of Health – March 9, 2005

Current Rules

Chapter 246-272 WAC/ On-Site Sewage Systems / Effective January 1, 1995/ Amendment Effective May 12, 1995

Environmental Health

Chapter 246-272 WAC On-Site Sewage Systems

Rules and Regulations of
the State Board of Health

Adopted March 9, 1994, Effective January 1, 1995
Amendment Effective May 12, 1995



Process

Nov. 2001

**SBOH directed DOH - start
rule revision process**



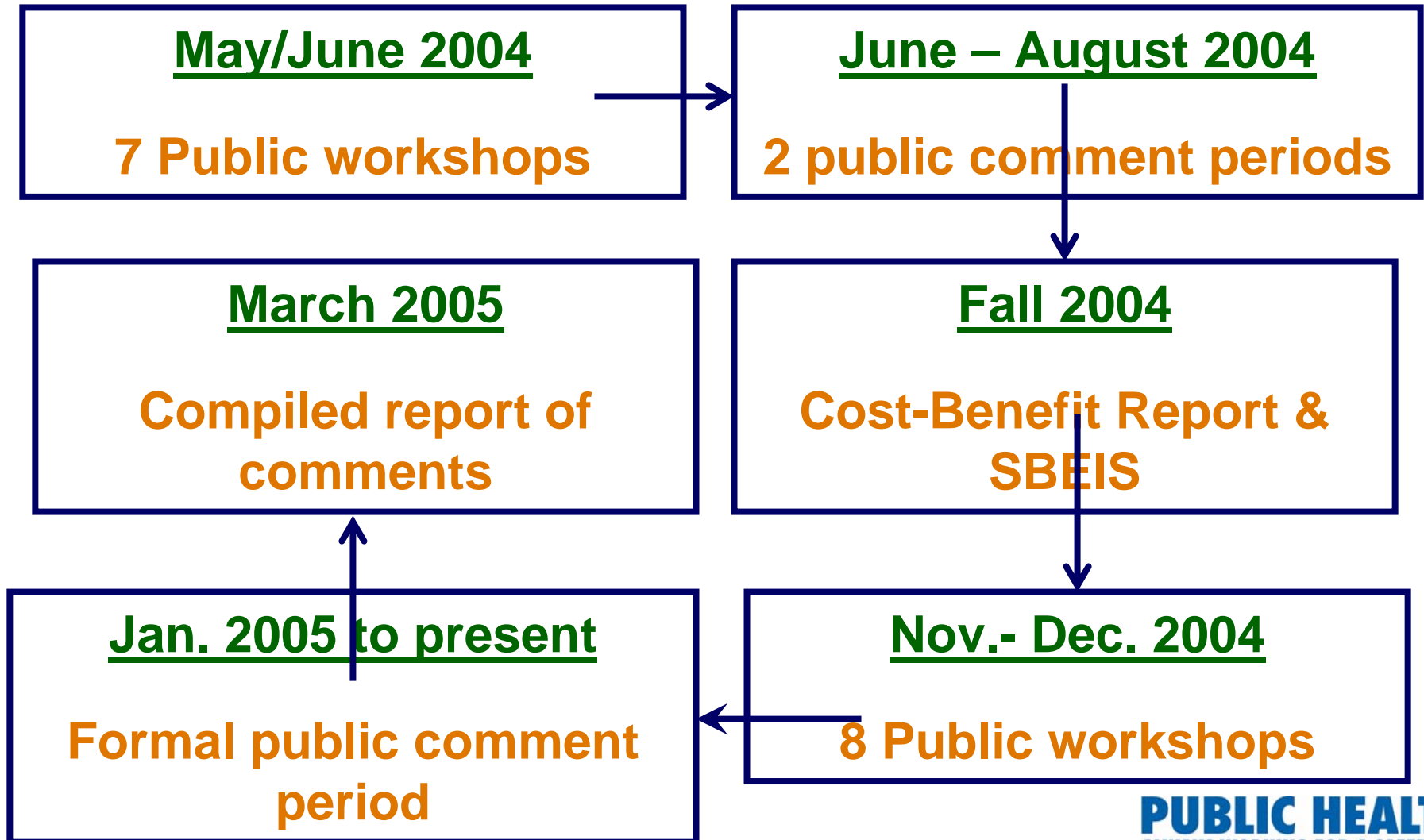
Feb. 2002 – Nov. 2003

RDC met 16 times

RDC

- 25 members & 14 alternates
 - 12 government
 - ◆ Local government
 - ◆ State
 - ◆ Tribal govt. & IHS
 - ◆ Utilities
 - 6 OSS industry representatives
 - Building & real estate
 - Environmental groups, including shellfish
 - Academia
 - Consumers

Process



Purpose of Regulations

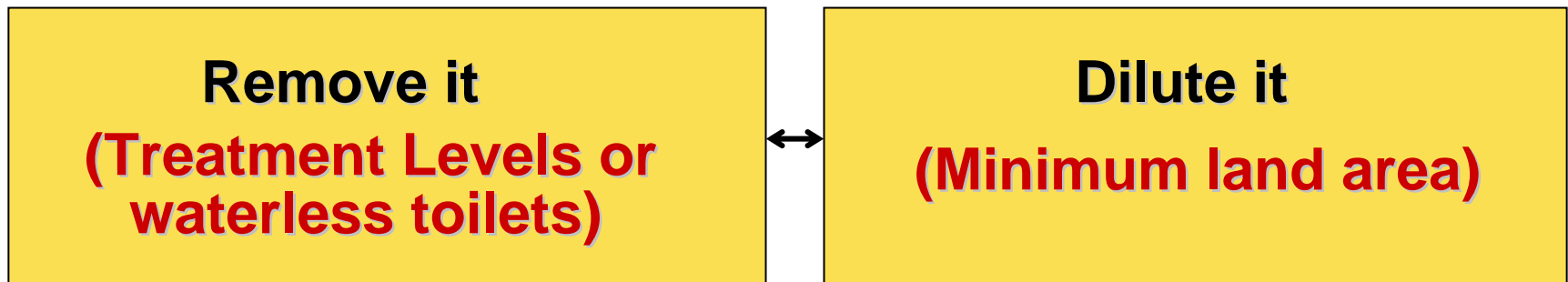
- Prevent human contact with sewage by assuring system is properly:
 - Located
 - Designed & installed
 - Used & cared for
- Results in increased probability of:
 - Long-term system life
 - Long-term cost savings for owner

Main Categories of Change

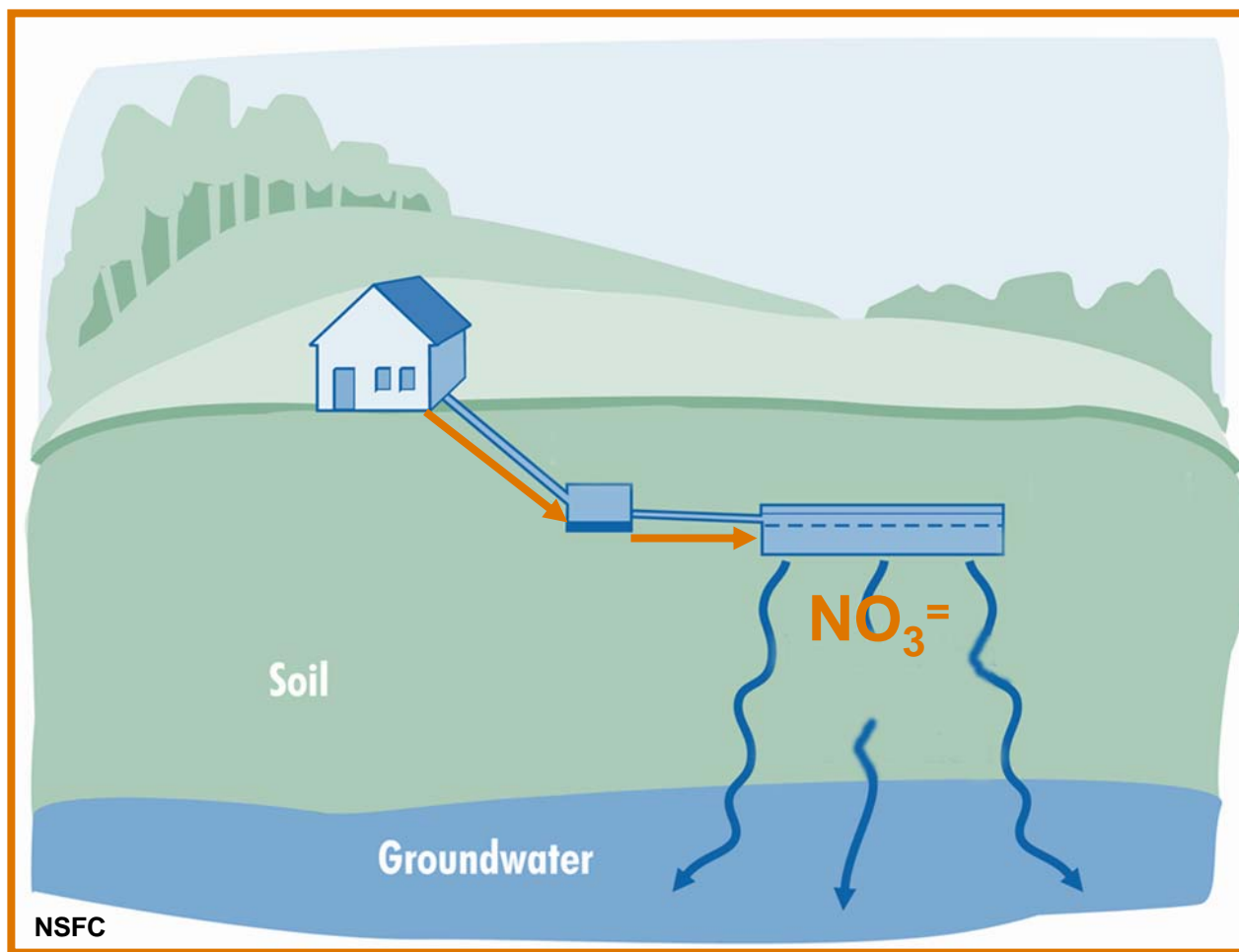
- Product registration
- Technical design requirements
- Local planning

Overarching Themes

- **Nitrogen** – first time in on-site system rules
 - Product registration – treatment level for **N**
 - Technical design – **N** to be considered
 - Local planning – identify areas sensitive to **N**



Nitrogen



Overarching Themes

- Enhanced O&M
 - Technical design
 - Local planning



Areas of Controversy

- Topic: Operation & Maintenance
 - Doesn't do enough, no enforcement mechanism
 - Goes too far
- Proposed rule language:
 - ST with gravity – monitor entire system every 3 years
 - All other systems – monitor annually
- Department recommendation: **Adopt**

Areas of Controversy

- Topic: Record transfers
 - Confusing, no real enforcement mechanism
 - Confusion could hold up home sales.
- Proposed rule language:
 - Homeowners must provide information about changes and maintenance at time of property transfer.
- Department recommendation: **Amend**

Areas of Controversy

- Topic: Minimum lot size/buildable lots
 - Many existing lots may be unbuildable
 - Added cost for new lot creation
- Proposed rule language:
 - Applies primarily to new lot creation – most existing lots will be “grandfathered”
 - As little as 12,500 sq. ft. available with justification
- Department recommendation: **Adopt**

Areas of Controversy

- Topic: Drainfield size, buildable lots
 - Some loading rate changes → larger drainfields → problem on some small existing lots
 - Proposed loading rates appropriate – current rates too high
- Proposed rule language:
 - Drainfield size – still determined by soil type and loading rate for each soil
 - Some drainfields in some soils will be larger
- Department recommendation: **Amend**

Areas of Controversy

- Topic: Local planning
 - Unfunded mandate
 - Must work with communities
- Proposed rule language:
 - Two tiers – marine counties, others
 - More detailed planning for marine counties, with approval by DOH
- Department recommendation: **Retain Tier System**

Areas of Controversy

- Topic: Technical changes
 - Definitions of Residential Sewage, Design flow
 - Performance Standards
 - Specific Protocols for Product Registration
 - Setbacks, Impervious Surfaces
- Many issues discussed by the TRC and RDC; Some not considered
- Department recommendation: **Review issues in 4 years**

Areas of Controversy

- Topic: General comments
 - Why are wholesale (expensive) changes being made?
 - Where is scientific evidence?
 - How many documented failures are there?
- Department recommendation: **Adopt**
 - Not a public health response to widespread illness
 - Priority is **PREVENTION**
 - Existing standards refined/enhanced to reduce risk
 - Incremental response based on USEPA guidance, scientific literature reviews, & technical/policy input

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